

103D CONGRESS  
1ST SESSION

# H. R. 3098

## AN ACT

To amend title 18, United States Code, to prohibit the possession of a handgun or handgun ammunition by, or the private transfer of a handgun or handgun ammunition to, a juvenile.

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS AND DECLARATIONS.**

4       The Congress finds and declares that—

5               (1) Crime, particularly crime involving drugs  
6       and guns, is a pervasive, nationwide problem.

1           (2) Problems with crime at the local level are  
2           exacerbated by the interstate movement of drugs,  
3           funds, and criminal gangs.

4           (3) Firearms and ammunition, and handguns in  
5           particular, move easily in interstate commerce, as  
6           documented in numerous hearings in both the Judi-  
7           ciary Committee of the House of Representatives  
8           and Judiciary Committee of the Senate.

9           (4) In fact, even before the sale of a handgun,  
10          the gun, its component parts, ammunition, and the  
11          raw materials from which they are made have con-  
12          siderably moved in interstate commerce.

13          (5) While criminals freely move from State to  
14          State, ordinary citizens may fear to travel to or  
15          through certain parts of the country due to the con-  
16          cern that violent crime is not under control, and for-  
17          eigners may decline to travel in the United States  
18          for the same reason.

19          (6) Just as the hardened drug kingpins begin  
20          their life in the illicit drug culture by exposure to  
21          drugs at a young age, violent criminals often start  
22          their criminal careers on streets where the ready  
23          availability of guns to young people results in the ac-  
24          ceptability of their random use.

1           (7) Violent crime and the use of illicit drugs go  
2           hand-in-hand, and attempts to control one without  
3           controlling the other may be fruitless.

4           (8) Individual States and localities find it im-  
5           possible to handle the problem by themselves; even  
6           States and localities that have made a strong effort  
7           to prevent, detect, and punish crime find their effort  
8           unavailing due in part to the failure or inability of  
9           other States and localities to take strong measures.

10          (9) Inasmuch as illicit drug activity and related  
11          violent crime overflow State lines and national  
12          boundaries, the Congress has power, under the inter-  
13          state commerce clause and other provisions of the  
14          Constitution, to enact measures to combat these  
15          problems.

16          (10) The Congress finds that it is necessary  
17          and appropriate to assist the States in controlling  
18          crime by stopping the commerce in handguns with  
19          juveniles nationwide, and allowing the possession of  
20          handguns by juveniles only when handguns are pos-  
21          sessed and used for legitimate purposes under ap-  
22          propriate conditions.

1 **SEC. 2. PROHIBITION OF THE POSSESSION OF A HANDGUN**  
2 **OR AMMUNITION BY, OR THE PRIVATE**  
3 **TRANSFER OF A HANDGUN OR AMMUNITION**  
4 **TO, A JUVENILE.**

5 (a) DEFINITION.—Section 921(a) of title 18, United  
6 States Code, is amended by adding at the end the follow-  
7 ing new paragraph:

8 “(29) The term ‘handgun’ means—

9 “(A) a firearm that has a short stock and is de-  
10 signed to be held and fired by the use of a single  
11 hand; and

12 “(B) any combination of parts from which a  
13 firearm described in subparagraph (A) can be as-  
14 sembled.”.

15 (b) OFFENSE.—Section 922 of title 18, United States  
16 Code, is amended by adding at the end the following new  
17 subsection:

18 “(s)(1) It shall be unlawful for a person to sell, de-  
19 liver, or otherwise transfer to a juvenile, or to a person  
20 who the transferor knows or has reasonable cause to be-  
21 lieve is a juvenile—

22 “(A) a handgun; or

23 “(B) ammunition that is suitable for use only  
24 in a handgun.

25 “(2) It shall be unlawful for any person who is a juve-  
26 nile to knowingly possess—

1           “(A) a handgun; or

2           “(B) ammunition that is suitable for use  
3           only in a handgun.

4           “(3) This subsection does not apply—

5           “(A) to a temporary transfer of a handgun or  
6           ammunition to a juvenile, or to the possession or use  
7           of a handgun or ammunition by a juvenile, if the  
8           handgun and ammunition are possessed and used by  
9           the juvenile—

10           “(i) in the course of employment, in the  
11           course of ranching or farming related to activi-  
12           ties at the residence of the juvenile (or on prop-  
13           erty used for ranching or farming at which the  
14           juvenile, with the permission of the property  
15           owner or lessee, is performing activities related  
16           to the operation of the farm or ranch), target  
17           practice, hunting, or a course of instruction in  
18           the safe and lawful use of a handgun;

19           “(ii) with the prior written consent of the  
20           juvenile’s parent or guardian who is not prohib-  
21           ited by Federal, State, or local law from pos-  
22           sessing a firearm;

23           “(iii) with the prior written consent in the  
24           juvenile’s possession at all times when a hand-  
25           gun is in the possession of the juvenile; and

1           “(iv) in accordance with State and local  
2           law;

3           “(B) during transportation by the juvenile of an  
4           unloaded handgun in a locked container directly  
5           from the place of transfer to a place at which an ac-  
6           tivity described in subparagraph (A)(i) is to take  
7           place, and transportation by the juvenile of that  
8           handgun, unloaded and in a locked container, di-  
9           rectly from the place at which such an activity took  
10          place to the transferor;

11          “(C) to a juvenile who is a member of the  
12          Armed Forces of the United States or the National  
13          Guard who possesses or is armed with a handgun in  
14          the line of duty;

15          “(D) to a transfer by inheritance of title (but  
16          not possession) of a handgun or ammunition to a ju-  
17          venile; or

18          “(E) to the possession of a handgun or ammu-  
19          nition by a juvenile taken in defense of the juvenile  
20          or other persons against an intruder into the resi-  
21          dence of the juvenile or a residence in which the ju-  
22          venile is an invited guest.

23          “(4) A handgun or ammunition, the possession of  
24          which is transferred to a juvenile in circumstances in  
25          which the transferor is not in violation of this subsection

1 shall not be subject to permanent confiscation by the Gov-  
2 ernment if its possession by the juvenile subsequently be-  
3 comes unlawful because of the conduct of the juvenile, but  
4 shall be returned to the lawful owner when such handgun  
5 or ammunition is no longer required by the Government  
6 for the purposes of investigation or prosecution.

7 “(5) For purposes of this subsection, the term ‘juve-  
8 nile’ means a person who is less than 18 years of age.

9 “(6)(A) In a prosecution of a violation of this sub-  
10 section, the court shall require the presence of a juvenile  
11 defendant’s parent or legal guardian at all proceedings.

12 “(B) The court may use the contempt power to en-  
13 force subparagraph (A).

14 “(C) The court may excuse attendance of a parent  
15 or legal guardian of a juvenile defendant at a proceeding  
16 in a prosecution of a violation of this subsection for good  
17 cause shown.”.

18 (c) PENALTIES.—Section 924(a) of title 18, United  
19 States Code, is amended—

20 (1) in paragraph (1) by striking “paragraph (2)  
21 or (3) of”; and

22 (2) by adding at the end the following new  
23 paragraph:

24 “(5)(A)(i) A juvenile who violates section 922(s) shall  
25 be fined under this title, imprisoned not more than 1 year,



1 or both, except that a juvenile described in clause (ii) shall  
2 be sentenced to probation on appropriate conditions and  
3 shall not be incarcerated unless the juvenile fails to comply  
4 with a condition of probation.

5 “(ii) A juvenile is described in this clause if—

6 “(I) the offense of which the juvenile is charged  
7 is possession of a handgun or ammunition in viola-  
8 tion of section 922(s)(2); and

9 “(II) the juvenile has not been convicted in any  
10 court of an offense (including an offense under sec-  
11 tion 922(s) or a similar State law, but not including  
12 any other offense consisting of conduct that if en-  
13 gaged in by an adult would not constitute an of-  
14 fense) or adjudicated as a juvenile delinquent for  
15 conduct that if engaged in by an adult would con-  
16 stitute an offense.

17 “(B) A person other than a juvenile who knowingly  
18 violates section 922(s)—

19 “(i) shall be fined under this title, imprisoned  
20 not more than 1 year, or both; and

21 “(ii) if the person sold, delivered, or otherwise  
22 transferred a handgun or ammunition to a juvenile  
23 knowing or having reasonable cause to know that  
24 the juvenile intended to carry or otherwise possess  
25 or discharge or otherwise use the handgun or ammu-

1       nition in the commission of a crime of violence, shall  
2       be fined under this title, imprisoned not more than  
3       10 years, or both.”.

4       (d) TECHNICAL AMENDMENT OF JUVENILE DELIN-  
5 QUENCY PROVISIONS IN TITLE 18, UNITED STATES  
6 CODE.—

7           (1) SECTION 5031.—Section 5031 of title 18,  
8       United States Code, is amended by inserting “or a  
9       violation by such person of section 922(s)” before  
10      the period at the end.

11          (2) SECTION 5032.—Section 5032 of title 18,  
12      United States Code, is amended—

13           (A) in the first undesignated paragraph by  
14      inserting “or (s)” after “922(p)”; and

15           (B) in the fourth undesignated paragraph  
16      by inserting “or section 922(s) of this title,” be-  
17      fore “criminal prosecution on the basis”.

18      (e) TECHNICAL AMENDMENT OF THE JUVENILE  
19 JUSTICE AND DELINQUENCY PREVENTION ACT OF  
20 1974.—Section 223(a)(12)(A) of the Juvenile Justice and  
21 Delinquency Prevention Act of 1974 (42 U.S.C.  
22 5633(a)(12)(A)) is amended by striking “which do not  
23 constitute violations of valid court orders” and inserting  
24 “(other than an offense that constitutes a violation of a

1 valid court order or a violation of section 922(s) of title  
2 18, United States Code, or a similar State law)''.

3 (f) MODEL LAW.—The Attorney General, acting  
4 through the Director of the National Institute for Juvenile  
5 Justice and Delinquency Prevention, shall—

6 (1) evaluate existing and proposed juvenile  
7 handgun legislation in each State;

8 (2) develop model juvenile handgun legislation  
9 that is constitutional and enforceable;

10 (3) prepare and disseminate to State authorities  
11 the findings made as the result of the evaluation;  
12 and

13 (4) report to Congress by December 31, 1994,  
14 findings and recommendations concerning the need  
15 or appropriateness of further action by the Federal  
16 Government.

Passed the House of Representatives November 20,  
1993.

Attest:

*Clerk.*